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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------------|-----------------------|------------------|
| 09/839,328 | 04/20/2001 | Christopher McDonald McQuown | 20-EB-5007/624226.307 | 2540 |

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EXAMINER

HAMILTON, MONPLAISIR G

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2135

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,328

Applicant(s)

MCQUOWN ET AL.

Examiner

Monplaisir G Hamilton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The communication filed on 6/17/04 amended Claims 1 and 8. Claims 1-13 remain for examination.

Response to Arguments

2. Applicant's arguments filed 6/17/04 have been fully considered but they are not persuasive.

Applicant argues: "Mitchell, in portraying [] several instances where remote assistance is needed, implicitly admits and recognizes the inability and shortcomings of his system for fully providing self-directed guidance to the equipment service personnel performing the maintenance task."

Examiner disagrees with applicant. Mitchell contemplates several scenarios where a remote user may like a third party (assistant) to verify the steps being taken. This can be in situations where the effects of making a mistake are critical, for example fixing a production mainframe while data is in transit, where any loss of information due to operator error may have catastrophic effects. Furthermore, Mitchell contemplates the use of an assistant as a feature that can enable and disabled (col 15, lines 25-30). Therefore the CSC is not an inherent part of the invention, the invention can be practiced without the CSC by disabling this feature.

Applicant also argues: "Mitchell's system relies on inputs from a remote supervisor or assistant in order to exploit his purported advantages. The need of external support in Mitchell is

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a significant disadvantage since this results in the need of additional manpower, and, consequently. Mitchell's system requires burdensome and costly allocation of valuable economic resources, as compared to a self-directed system.”

Examiner disagrees. Mitchell's system may operate in fully automated which relies only on feedback from an expert system called Simon. Simon suggests the steps to be taken and aids the user in locating relevant model information (col 13, lines1-20). Examiner maintains that the claimed invention is unpatentable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6697894 issued to Mitchell et al.

Referring to Claims 1 and 8:

Mitchell discloses a computerized method for self-directed guidance of equipment service personnel through a plurality of tasks for troubleshooting the health of a selected system of a selected equipment, while present at an equipment work site, to determine the nature and extent of service needed for such system, said guidance being provided in direct response to the service personnel selection and input for guidance needed based on the personnel's interaction with the equipment said method comprising:

providing a database comprising detailed data for health assessment and servicing of a selected equipment and system thereof (col 2, lines 35-45), and an expert rule-based troubleshooting wizard for eliciting information regarding the selected equipment and system and for providing troubleshooting instructions to determine the nature of the equipment fault and the servicing required for the selected equipment and system (col 12, lines 10-20);

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providing a hand-held wireless input/output device for the service personnel at the work site for communicating with the database (col 4, lines 20-45);

selecting the equipment and the system thereof to be serviced (col 16, lines 25-45; col 28, lines 5-30);

accessing the database to interface with the troubleshooting wizard for the selected equipment and system (col 12, lines 25-65 col 28, lines 45-65);

providing in response to a set of prompts communicated to the equipment service personnel from the troubleshooting wizard at least one set of observations selected from the group comprising operational performance of the selected equipment, operational performance of the selected system, and fault indications detected in the equipment and system, wherein the set of prompts from the troubleshooting wizard is provided solely in response to the selection and input of the service personnel via the input/output device (col 28, lines 5-201, 55-68; col 29, lines 10-20); and processing said observation information relative to the troubleshooting wizard to determine based on said troubleshooting wizard and said equipment service personnel, without the need for external intervention, whether or not said selected equipment and system needs to be serviced, and if so the nature and extent of that service (col 29, lines 1-20).

Referring to Claim 2:

Mitchell discloses the limitations of Claim 1 above. Mitchell further discloses the troubleshooting wizard is downloaded to the input/output device for performing, the servicing activities (col 6, lines 20-48).

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Referring to Claims 3 and 9:

Mitchell discloses the limitations of Claims 1 and 8 above. Mitchell further discloses the input/output device communicates with the database after completion of the servicing activities to transfer information regarding the servicing of the selected equipment and system back to the database (col 22, line 60-col 23, lines 10).

Referring to Claims 4 and 10:

Mitchell discloses the limitations of Claims 1 and 8 above. Mitchell further discloses the input/output device is in communication with the database during the servicing activities (col 28, lines 45-65; col 17, lines 15-35).

Referring to Claims 5 and 11:

Mitchell discloses the limitations of Claims 1 and 8 above. Mitchell further discloses the input/output device interfaces with the troubleshooting wizard while the wizard is resident in the database (col 11, lines 10-20; col 12, lines 10-20).

Referring to Claims 6 and 12:

Mitchell discloses the limitations of Claims 1 and 8 above. Mitchell further discloses the input/output device is selected from the group comprising an Internet terminal, a computer terminal, a telephone and a radio transceiver (col 10, lines 1-10).

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Referring to Claims 7 and 13:

Mitchell discloses the limitations of Claims 1 and 8 above. Mitchell further discloses the input/output device communicates to the database via wireless communications (col 8, lines 25-35).

Final Rejection

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

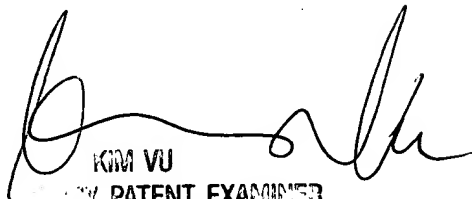
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is (703) 305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monplaisir Hamilton

Note: TC 2100 will be moved to Carlyle in October, 2004, the new telephone number for TC 2100 receptionist is 571-272-2100, my new telephone number is (571) 272-3852 and my supervisor's new number is (571) 272-3859.


KIM VU
PATENT EXAMINER
ELECTRONIC BUSINESS CENTER 2100